

K&L GATES

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**VIA ECF**

Hon. Margaret M. Garnett  
United States District Court, Southern District of New York  
40 Foley Square, Courtroom 906  
New York, NY 10007

**Re: Absolute Resolution Investments, LLC v. Citibank, N.A., 22 Civ. 2079 (MMG)**

Dear Judge Garnett:

Pursuant to Rule I(B)(5) of Your Honor's Individual Practices and Rules, Plaintiff Absolute Resolutions Investments, LLC ("Absolute") and Defendant Citibank, N.A. ("Citi") (together, the "Parties") respectfully submit this joint request for an extension of the deadline for the completion of fact discovery from October 16, 2024 to January 31, 2025, and to correspondingly extend the other deadlines set forth in the Civil Case Management Plan and Scheduling Order, as set forth below. This is the Parties' second joint request for an extension of the deadline for the completion of fact discovery; the first joint request was granted by this Court on June 17, 2024. *See* ECF Nos. 62, 63.

The Parties have been diligently and cooperatively working through the discovery process, which has included, among other efforts: (1) extracting extensive data from the Parties' respective systems based on agreed-upon protocols, (2) reviewing for responsiveness and producing many thousands of pages of documents, (3) identifying documents to be withheld for privilege, and (4) meeting and conferring about the productions on several occasions. The Parties remain in the process of producing documents and information in response to document requests and interrogatories. This process has been highly involved and time-consuming, with each Party identifying a larger number of documents to be reviewed for production than originally anticipated. In addition, Citi learned after running ESI searches that thousands of attachments to emails were encrypted and password protected, which required a separate, complex and time-consuming process to identify a solution to unlock the encryption so that each of those documents could be reviewed for production. Nearly all of those documents have now been decrypted, with productions ongoing this month.

The Parties have each served six document productions, and presently expect to complete their respective document productions by the end of September 2024, subject to any additional production that may be required in response to Absolute's letter motion to compel (ECF No. 66), and also subject to any follow-up issues that may arise as the parties continue reviewing each other's productions. The Parties currently hope and anticipate that all other fact discovery – including third party discovery and taking and defending numerous depositions across the country – can be completed on or before January 31, 2025.

Commensurate with the extension of fact discovery, the Parties propose to extend the other deadlines set forth in the Civil Case Management Plan and Scheduling Order as follows:

- Post-Fact Discovery Conference (7c): Any date and time convenient for the Court during the week of March 3-7, 2025
- Expert Discovery Completion (8a): May 21, 2025
- Opening Expert Disclosures (8b): March 14, 2025
- Rebuttal Expert Disclosures (8c): April 11, 2025

The Parties thank the Court for its consideration of this request.

Respectfully submitted,

/s/ Phoebe S. Winder

Phoebe S. Winder

*Counsel for Defendant Citibank N.A.*

/s/ Alisha L. McCarthy

Alisha L. McCarthy

*Counsel for Plaintiff Absolute Resolution Investments, LLC*

CC: All parties via ECF